

**REMARKS**

**Summary**

Claims 1, 2, 4-11, 13-21, 23 and 24 stand in this application. Claims 3, 12 and 22 are canceled. Claims 8, 11 and 16 are currently amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

**35 U.S.C. § 112**

Claims 8, 11 and 16 have been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Applicant respectfully traverses the rejection based on the above amendments. These claims have been amended in accordance with the Office Action, and removal of this rejection is respectfully requested. Applicant further submits that the above amendments are made to overcome a § 112 rejection and are not made to overcome the cited references. Accordingly, these amendments should not be construed in a limiting manner.

**35 U.S.C. § 102**

At page 3, paragraph 4 of the Office Action claims 1, 2, 4-7, 9, 10, 13-15, 17-21, 23 and 24 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Publication Number 2004/0059781 to Yoakum et al. (hereinafter "Yoakum"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that Yoakum fails to teach each and every element recited in claims 1, 2, 4-7, 9, 10, 13-15, 17-21, 23 and 24 and thus they define over Yoakum. For example, with respect to claim 1, Yoakum fails to teach, among other things, the following language:

determining whether capability information for a device has been collected;  
collecting capability information for each device in accordance with said determining;  
updating a capability table with said capability information.

According to the Office Action, this language is disclosed by Yoakum at paragraph 18, 19, 21 and 22. Applicant respectfully disagrees.

Applicant respectfully submits that claim 1 defines over Yoakum. Yoakum at the given cite, in relevant part states:

The presence information for the various individuals on the active list may be determined by monitoring state information derived from a plurality of sources, which are associated with the individuals. Preferably, the sources of state information are devices, which are frequently used by an individual throughout a normal day and configured to provide state information to the presence system. The sources monitor normal user interactions and automatically provide corresponding state information to the presence system without requiring the user to enter or otherwise provide information bearing on their status or availability. The presence system will evaluate the state information from one or more sources to create presence information to deliver to subscribers. The state information bears on the presence or availability of the user and may take many forms. The presence information may range from complex analysis of state information from many devices to simply the states of selected devices. The following outlines numerous sources of state information along with the provisioning and operation of a presence system according to select embodiments of the present invention.

As indicated above, Yoakum arguably discloses the use of “presence” or “state” information of an individual. This “state” information bears on the presence or

availability of an individual. By way of contrast, the claimed subject matter discloses “determining whether capability information for a device has been collected” and “collecting capability information for each device in accordance with said determining.”

Applicant respectfully submits that the cited portions of Yoakum fail to disclose the claimed subject matter. For example, the claimed subject matter discloses “determining whether capability information for a device has been collected.” The cited portions of Yoakum clearly fail to disclose a determination of whether capability information has been collected. The subject matter disclose by Yoakum merely collects “presence” or “state” information that indicates the availability of a user and fails to make a determination as to whether capability information has previously been collected. Yoakum also clearly fails to teach the collection of information relating to the capability of a device. It follows that Yoakum also fails to teach or disclose “collecting capability information for said device in accordance with said determination.”

Furthermore, Applicant respectfully submits that “updating a capability table with capability information” is not disclosed, suggested, or implied by Yoakum. Yoakum, at the given cite, fails to disclose a list or table that is used to store the capabilities of a device connected to a fabric. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2 and 4-7, which depend from claim 1 and, therefore, contain additional features that further distinguish these claims from Yoakum.

Claims 9, 14 and 20 recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 9, 14 and 20 are not anticipated and are

patentable over Yoakum for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 9, 14 and 20. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to all claims that depend from claims 9, 14 and 20, and therefore contain additional features that further distinguish these claims from Yoakum.

### **Conclusion**

For at least the above reasons, Applicant submits that claims 1, 2, 4-11, 13-21, 23 and 24 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1, 2, 4-11, 13-21, 23 and 24 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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TC/A.U. 2145

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to deposit account 50-4238.

Respectfully submitted,

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John F. Kacvinsky, Reg. No. 40,040  
Under 37 CFR 1.34(a)

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